

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

ANDREW CORZO, SIA HENRY, ALEXANDER LEOGUERRA, MICHAEL MAERLENDER, BRANDON PIYEVSKY, BENJAMIN SHUMATE, BRITTANY TATIANA WEAVER, and CAMERON WILLIAMS, individually and on behalf of all others similarly situated,

*Plaintiffs,*

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE OF TECHNOLOGY, UNIVERSITY OF CHICAGO, THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, CORNELL UNIVERSITY, TRUSTEES OF DARTMOUTH COLLEGE, DUKE UNIVERSITY, EMORY UNIVERSITY, GEORGETOWN UNIVERSITY, THE JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, NORTHWESTERN UNIVERSITY, UNIVERSITY OF NOTRE DAME DU LAC, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, WILLIAM MARSH RICE UNIVERSITY, VANDERBILT UNIVERSITY, and YALE UNIVERSITY,

*Defendants.*

Case No. 1:22-cv-00125-MFK

Judge Matthew F. Kennelly

**DECLARATION OF STEVEN WEISBROT, ESQ. OF ANGEION GROUP LLC  
RE: IMPLEMENTATION OF THE NOTICE PLAN**

I, Steven Weisbrot, Esq., declare under penalty of perjury as follows:

1. I am the President and Chief Executive Officer at the class action notice and claims administration firm Angeion Group, LLC (“Angeion”). Angeion specializes in designing, developing, analyzing, and implementing large-scale legal notification plans.
2. I have personal knowledge of the matters stated herein. In forming my conclusions regarding notice in this action, I have communicated with class counsel and reviewed relevant

pleadings and other documents relating to the case, in addition to drawing from my extensive class action notice experience.

3. Background information on my professional experience and Angeion’s expertise with the design and implementation of hundreds of court-approved notice and administration programs, including some of the largest and most complex notice plans in recent history, is set forth in my prior declaration submitted with the preliminary approval motion of the University of Chicago Settlement. *See Declaration of Steven Weisbrot, Esq. of Angeion Group LLC re the Proposed Notice Plan*, dated August 11, 2023, ¶¶ 3-10 & Exhibit A (ECF No. 428-7).

#### **PRIOR DECLARATIONS & COURT ORDERS**

4. On September 9, 2023, the Court preliminarily approved the Plaintiffs’ proposed class settlement with the University of Chicago. *See ECF No. 439* (“University of Chicago Preliminary Approval Order”). As part of that preliminary approval, the Court appointed Angeion as the Settlement Claims Administrator and it approved the proposed notice plan. *See id.* ¶¶ 8, 14-15.

5. On January 23, 2024, Plaintiffs filed a Motion for Preliminary Approval of Settlements with Brown University (“Brown”), The Trustees of Columbia University in the City of New York (“Columbia”), Duke University (“Duke”), Emory University (“Emory”), and Yale University (“Yale”) (these settling defendants collectively, the “Second Tranche Settling Universities” or “Second Tranche Settling Defendants;” and these settlements, the “Second Tranche Settlements”). In the accompanying declaration submitted with that motion, I described the Revised Notice Plan, which combined the University of Chicago Settlement and Second Tranche Settlements into one notice plan in order to maximize efficiency and avoid confusion for the Settlement Class. *See Jan. 22, 2024 Weisbrot Decl.*, ECF No. 603-10. The Court preliminarily approved the Second Tranche Settlements on February 14, 2024. *See ECF No. 614*.

6. On February 23, 2024, Plaintiffs filed a Motion for Preliminary Approval of Settlements with Trustees of Dartmouth College (“Dartmouth”), Northwestern University (“Northwestern”), William Marsh Rice University (“Rice”), and Vanderbilt University (“Vanderbilt”) (these settling

defendants collectively, the “Third Tranche Settling Universities” or “Third Tranche Settling Defendants;” and these settlements, the “Third Tranche Settlements”).

7. In the accompanying declaration submitted with that motion, I described the Amended Revised Notice Plan (the “Notice Plan”), which in turn combined the University of Chicago Settlement, Second Tranche Settlements, and Third Tranche Settlements into one notice plan in order to maximize efficiency and avoid confusion for the members of the Settlement Class. *See* Feb. 23, 2024 Weisbrot Decl., ECF No. 629-8. The Court preliminarily approved the Third Tranche Settlements on February 28, 2024 (“Order Approving Third Tranche Settlements”). *See* ECF No. 638.

8. Pursuant to the Order Approving the Third Tranche Settlements, Angeion was appointed to serve as the Settlement Claims Administrator. *See id.* ¶ 10.

9. The purpose of this declaration is to provide the Court with details regarding the implementation of the Notice Plan, the online registrations requesting updates, requests for exclusion from the Settlement, and objections to the Settlement.

#### **SUMMARY OF THE NOTICE PLAN**

10. The Notice Plan provided for direct notice coupled with a robust multi-tiered media campaign designed to provide notice to Settlement Class Members via a variety of additional methods, including state-of-the-art targeted internet notice, social media notice, a paid search campaign, and two press releases.

11. The Notice Plan also provided for the implementation of a dedicated Settlement Website and a toll-free telephone line where Settlement Class Members can learn more about their rights and options pursuant to the terms of the Settlements.

#### **SETTLEMENT CLASS MEMBER DATA**

##### **Class Data**

12. Between October 16, 2023 and March 8, 2024, Angeion received 27 electronic files from Brown, California Institute of Technology, University of Chicago, Columbia, Cornell University, Dartmouth, Duke, Emory, Georgetown University, The Johns Hopkins University, Massachusetts

Institute of Technology, Northwestern, University of Notre Dame Du Lac, The Trustees of the University of Pennsylvania, Rice, Vanderbilt, and Yale containing the names, mailing addresses, and email addresses, where available, for individuals likely to be Settlement Class members.

13. On March 27, 2024, Angeion added 1,424 potential Settlement Class members who registered online via the Settlement website, described below, to the overall list of potential Settlement Class members.

14. After analyzing the data and removing duplicative records, Angeion identified a total of 383,000 unique potential Settlement Class member records (the “Class List”). Angeion identified a total of 385,512 valid email addresses on the Class List.<sup>1</sup> Angeion also identified 37,169 Class List records that did not have a valid email address (or any email address) but had sufficient mailing address information.<sup>2</sup>

### **Supplemental Class Data**

15. On April 1, 2024, Angeion received 2 supplemental electronic files from Emory containing the names, mailing addresses, and email addresses, where available, for potential Settlement Class members.

16. Angeion analyzed the supplemental data, and removed duplicative records, resulting in an additional 3,147 unique potential Settlement Class member records (the “Supplemental Class List”). Angeion identified a total of 2,908 valid email addresses on the Supplemental Class List. Angeion also identified 218 Supplemental Class List records that did not have a valid email address (or any email address) but had sufficient mailing address information.

17. The direct notice campaign was structured as follows: (1) Angeion emailed the Court-approved summary notice to all valid email addresses in our database; (2) Angeion mailed the Court-approved long-form notice via first class mail to all individuals on the Class List and Supplemental Class List without valid email addresses or no email addresses; (3) Angeion also

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<sup>1</sup> Some records had multiple email addresses associated with them.

<sup>2</sup> Angeion also identified 7,783 records that could not be sent notice (*i.e.*, these records did not have a valid email address and did not have sufficient mailing address information).

mailed via first class mail the Court-approved long-form notice to potential Settlement Class members whose summary notice could not be delivered via email and for whom sufficient mailing address information was on the Class List or Supplement Class List.

### **DIRECT NOTICE**

#### **Email Notice**

18. On March 29, 2024, Angeion caused the Court-approved summary notice to be sent to the 385,512 valid email addresses identified on the Class List. Of the 385,512 summary notices sent, 378,670 were delivered and 6,842 bounced-back and could not be delivered.

19. On April 18, 2024, Angeion caused the summary notice to be sent to the 2,908 valid email addresses identified on the Supplement Class List. Of the 2,908 summary notices sent, 2,880 were delivered and 28 bounced back and could not be delivered.

20. In total, 381,550 of the 388,420 summary notices sent via email were delivered, representing an excellent deliverability rate of approximately 98.23%. A true and correct copy of the Court-approved summary notice that Angeion caused to be emailed is attached hereto as **Exhibit A.**

#### **Mailed Notice**

21. Between March 29, 2024, and May 3, 2024, Angeion caused the Court-approved long-form notice to be mailed via the United States Postal Service (“USPS”) first-class mail, postage prepaid, to potential Settlement Class members as follows:

<b>Date</b>	<b>Class List/Supplemental Class List</b>	<b>Description</b>	<b>Count</b>
March 29, 2024	Class List	No/Invalid Email Address	37,169
April 26, 2024	Supplemental Class List	No/Invalid Email Address	218
April 26, 2024	Class List	Email notice could not be delivered	6,067
May 3, 2024	Supplemental Class List	Email notice could not be delivered	28
<b>Total Long-Form Notices Mailed</b>			<b>43,482</b>

22. Prior to mailing, Angeion caused the mailing addresses to be processed through the USPS National Change of Address database, which provides updated address information for individuals or entities that have moved during the previous four (4) years and filed a change of address with

the USPS. A true and correct copy of the Court-approved long-form notice that Angeion caused to be mailed is attached hereto as **Exhibit B**.

23. Long-form notices returned to Angeion by the USPS with a forwarding address were re-mailed to the new address provided by the USPS. Long-form notices returned to Angeion by the USPS without a forwarding address were subjected to address verification searches (“skip traces”), and long-form notices were re-mailed to any updated addresses identified through the skip trace process.

24. Through May 16, 2024, Angeion has received approximately 3,796 long-form notices returned by the USPS as undeliverable. As a result of the above-described efforts, a total of 483 long-form notices were re-mailed to updated addresses. Angeion will continue to receive, process, and attempt to re-mail undeliverable long-form notices returned by the USPS.

#### **PRESS RELEASE**

25. On March 29, 2024, Angeion caused the first press release to be issued via PR Newswire. The press release was picked up by a total of 266 media outlets, which have a combined potential audience size of approximately 147.2 million. A true and accurate copy of the Court-approved press release is attached hereto as **Exhibit C**. The second press release will be issued via PR Newswire when claim filing begins.

#### **MEDIA CAMPAIGN**

26. The state-of-the-art comprehensive media campaign consisting of social media advertising via Facebook and Instagram, programmatic display advertising (“internet banner ads”), and a paid search campaign via Google was designed to deliver an approximate 75.31% reach with an average frequency of 3.22 times each.

27. What this means in practice is that the media campaign was designed so 75.31% of the Target Audience<sup>3</sup> (potential Settlement Class members) would have a digital advertisement

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<sup>3</sup> To develop the media notice campaign and to verify its effectiveness, our media team analyzed data from 2022 comScore Multi-Platform/MRI Simmons USA Fusion to profile the Settlement Class and arrive at an appropriate target group (“Target Audience”) based on criteria pertinent to this Settlements. Specifically, the following syndicated research definition was used to profile potential Settlement Class Members:

concerning the settlement displayed to them an average of 3.22 times each. This is separate and apart from the direct email and mail notice efforts, press release, Settlement website, and toll-free hotline.

### **Social Media Advertising**

28. On March 29, 2024, Angeion commenced the social media campaign utilizing the social media platforms Facebook and Instagram to notify and drive potential Settlement Class members to the dedicated Settlement website where they could find more information about the Settlement and submit a request to stay updated on when Claim Forms are made available.

29. The social media campaign engaged with the Target Audience via Facebook and Instagram's desktop sites, mobile sites, and mobile apps.

30. As of April 29, 2024, the social media campaign concluded, serving approximately 28,493,477 impressions. True and correct copies of the social media notices that Angeion used as part of this Notice campaign are attached hereto as **Exhibit D**.

### **Programmatic Display Advertising**

31. On March 29, 2024, Angeion commenced the programmatic display advertising (internet banner notice) campaign to target and deliver advertisements concerning the Settlement to the Target Audience via websites potential Settlement Class members are most likely to visit based on objective syndicated data.

32. The campaign was designed to notify and drive potential Settlement Class members to the Settlement website where they could find more information about the Settlement and submit a request to stay updated on when Claim Forms are made available.

33. As of April 29, 2024, the internet banner notice campaign concluded, serving approximately 12,269,086 impressions. True and correct copies of the internet banner notices that Angeion used as part of the Court-approved Notice campaign are attached hereto as **Exhibit E**.

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Respondent: Attended College: Yes **and** Loans and Mortgages: Personal Loan for Education (Student Loan) Have Personally or Jointly Utilized **and** Ages 18-44. *See* Jan. 22, 2024 Weisbrot Decl., ECF No. 603-10, ¶ 18.

## **Paid Search Campaign**

34. On March 29, 2024, Angeion commenced the paid search campaign via Google to help drive potential Settlement Class members who are actively searching for information about the Settlement to the dedicated Settlement Website. As of April 29, 2024, the paid search campaign concluded, serving approximately 26,390 impressions.

### **REACH & FREQUENCY**

35. The state-of-the-art media campaign, as noted, was designed to deliver an approximate 75.31% reach with an average frequency of 3.22 times each and serving approximately 29 million impressions. The medica campaign *exceeded expectations* by serving over 40 million impressions, resulting in approximate 78.24% reach with an average frequency of 4.32 times each.

36. The Federal Judicial Center states that a publication notice plan that reaches 70% of class members is one that reaches a “high percentage” and is within the “norm.” Barbara J. Rothstein & Thomas E. Willging, Federal Judicial Center, “Managing Class Action Litigation: A Pocket Guide for Judges,” at 27 (3d Ed. 2010).

### **SETTLEMENT WEBSITE & TOLL-FREE TELEPHONE SUPPORT**

#### **Settlement Website**

37. On January 23, 2024, Angeion established the following website devoted to this Settlement [www.FinancialAidAntiTrustSettlement.com](http://www.FinancialAidAntiTrustSettlement.com) (“Settlement website”). The Settlement website contains general information about the Settlement, including answers to frequently asked questions, important dates and deadlines pertinent to this matter, and copies of important documents.

38. Visitors to the Settlement website can view or download the following important documents: (1) the Motion and Memorandum of Law in Support of Settlement Class Counsel’s Motion for Service Awards for the Class Representatives, Reimbursement of Expenses, and Attorneys’ Fees; (2) the Joint Declaration in Support of Plaintiffs’ Memorandum of Law in Support of their Motion for Service Awards for the Class Representatives, Reimbursements of Expenses, and Attorneys’ Fees; (3) the Notice of Class Action Settlements; (4) the Order Preliminarily Approving the University of Chicago Settlement; (5) the Order Preliminarily Approving Brown,

Columbia, Duke, Emory, and Yale Settlements; (6) the Order Preliminarily Approving Dartmouth, Northwestern, Rice, and Vanderbilt Settlements; (7) Plaintiffs' Unopposed Motion for Preliminary Approval for the University of Chicago Settlement; (8) Plaintiffs' Motion for Preliminary Approval of the Brown, Columbia, Duke, Emory, and Yale Settlements; (9) Plaintiffs' Motion for Preliminary Approval of the Dartmouth; Northwestern; Rice, and Vanderbilt Settlements; (10) the Brown University Settlement Agreement; (11) the University of Chicago Settlement Agreement; (12) the Columbia University Settlement Agreement; (13) the Dartmouth College Settlement Agreement; (14) the Duke University Settlement Agreement; (15) the Emory University Settlement Agreement; (16) the Northwestern University Settlement Agreement; (17) the Rice University Settlement Agreement; (18) the Vanderbilt University Settlement Agreement; (19) the Yale University Settlement Agreement; (20) the Proposed Revised Allocation Plan; (21) the Proposed Plan of Allocation; (22) the Second Amended and Supplemental Class Action Complaint; and (23) the Order Denying Defendants' Motion to Dismiss. Once approved by the Court, the Claim Form will be incorporated onto the Settlement website. The proposed Claim Form is attached hereto as

**Exhibit F.**

39. The Settlement website also has a "Contact Us" page whereby Settlement Class members can submit questions regarding the Settlement to a dedicated email address: [Info@FinancialAidAntiTrustSettlement.com](mailto:Info@FinancialAidAntiTrustSettlement.com). The address for the Settlement website was set forth in the Long Form Notice and Email Notice.

40. As of May 16, 2024, the Settlement website has had 422,379 page views and 291,927 sessions by 252,405 unique users.

**Requests for Updates and Additional Information**

41. On January 23, 2024, Angeion established an online register for updates portal whereby potential Settlement Class members can complete and submit a request to receive updates about the settlements and be notified when claim forms are made available.

42. As of May 16, 2024, Angeion has received a total of 25,381 online registrations for updates. This is in addition to the approximately 146 email inquiries to the dedicated email inbox, and approximately 112 email and/or phone call inquiries forwarded from Settlement Class Counsel.

### **Toll-Free Telephone Support**

43. On January 23, 2024, Angeion established the following toll-free line dedicated to this settlement: 1-833-585-3338. The toll-free line utilizes an interactive voice response (“IVR”) system to provide Settlement Class members with responses to frequently asked questions, the ability to request the long-form notice, and includes information about filing a claim and important dates and deadlines. The toll-free line is accessible 24 hours a day, 7 days a week.

44. As of May 16, 2024, the toll-free number has received approximately 493 calls, totaling 2,018 minutes.

### **OPT-OUTS AND OBJECTIONS**

45. The deadline for Settlement Class members to request exclusion from the Settlement was May 13, 2024. As of May 22, 2024, Angeion has received 14 requests for exclusion (or Opt-Out requests). Of these, 12 requests were timely, and two were postmarked late. Attached hereto as **Exhibit G** is a list of the names of the 14 individuals who have requested to be excluded from this Settlement.

46. The deadline for Settlement Class members to object to the Settlement was May 13, 2024. As of May 22, Angeion has received one objection to the Settlement. Attached hereto as **Exhibit H** is a copy of the objection.

### **NOTICE & ADMINISTRATION COSTS**

47. Through April 30, 2024, Angeion has incurred \$358,737.45 in costs to provide notice and administration services. Angeion will keep the Parties apprised of administration costs incurred as the settlement administration process proceeds.

### **CONCLUSION**

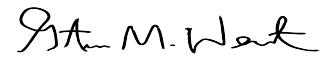
48. The Notice Plan implemented in this Settlement included direct notice via email or mail, complemented by a robust, state-of-the-art media campaign that independently delivered an approximate 78.24% reach, the issuance of a press release, and the creation of the dedicated Settlement website and toll-free telephone support.

49. The Notice Plan resulted in over 431,000 notices disseminated via email or mail, over 40 million digital impressions served, and a press release with a potential audience size of approximately 147.2 million. The response to the Notice Plan has been overwhelmingly favorable, with over 252,000 unique visitors to the Settlement website and over 25,000 online registrations for future updates, compared to only 14 opt-outs.

50. It remains my professional opinion that the Notice Plan provided full and proper notice to Settlement Class members before the opt-out and objection deadlines, and was the best notice practicable under the circumstances, fully compliant with due process and Fed. R. Civ. P. 23.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: May 28, 2024



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STEVEN WEISBROT